
PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 2822) MAKING APPROPRIATIONS FOR THE DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2016, AND FOR OTHER PURPOSES; PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 2042) TO ALLOW FOR JUDICIAL REVIEW OF ANY FINAL RULE ADDRESSING CARBON DIOXIDE EMISSIONS FROM EXISTING FOSSIL FUEL-FIRED ELECTRIC UTILITY GENERATING UNITS BEFORE REQUIRING COMPLIANCE WITH SUCH RULE, AND TO ALLOW STATES TO PROTECT HOUSEHOLDS AND BUSINESSES FROM SIGNIFICANT ADVERSE EFFECTS ON ELECTRICITY RATEPAYERS OR RELIABILITY; AND PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM JUNE 26, 2015, THROUGH JULY 6, 2015

June 23, 2015.—Referred to the House Calendar and ordered to be printed.

MR. BURGESS, from the Committee on Rules, submitted the following

R E P O R T

[To accompany H. Res. __]

The Committee on Rules, having had under consideration House Resolution ____, by a record vote of 9 to 4, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 2822, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2016, under a modified-open rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The resolution waives all points of order against consideration of the bill. The resolution waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI. The resolution provides that after general debate the bill shall be considered for amendment under the five-

minute rule except that: 1) amendments shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent and shall not be subject to amendment; and 2) no pro forma amendments shall be in order except that the chair and ranking minority member of the Committee on Appropriations or their respective designees may offer up to 10 pro forma amendments each at any point for the purpose of debate. The resolution authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. The resolution provides one motion to recommit with or without instructions.

The resolution provides for consideration of H.R. 2042, the Raterpayer Protection Act, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. The resolution waives all points of order against consideration of the bill. The resolution makes in order as original text for purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114-20 and provides that it shall be considered as read. The resolution waives all points of order against that amendment in the nature of a substitute. The resolution makes in order only those further amendments printed in this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in this report. The resolution provides one motion to recommit with or without instructions.

Section 3 of the resolution provides for consideration of concurrent resolutions providing for adjournment during the month of July, 2015.

Section 4 of the resolution provides that on any legislative day during the period from June 26, 2015, through July 6, 2015: the Journal of the proceedings of the previous day shall be considered as approved; and the Chair may at any time declare the House adjourned to meet at a date and time to be announced by the Chair in declaring the adjournment.

Section 5 of the resolution provides that the Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by section 4.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of H.R. 2822 includes a waiver of clause 3(e)(1) of rule XIII ("Ramseyer"), requiring a committee report accompanying a bill amending or repealing statutes to show, by typographical device, parts of statute affected. The waiver is provided because the submission provided by the committee was insufficient to meet the standards established by the rule in its current form. The Committee on Rules continues to work with the House Office of Legislative Counsel and committees to determine the steps necessary to comply with the updated rule.

The resolution includes a waiver of points of order against provisions in H.R. 2822 for failure to comply with clause 2 of rule XXI, which prohibits unauthorized appropriations or legislative provisions in an appropriations

bill. This waiver is necessary because H.R. 2822 contains unauthorized appropriations and legislative provisions.

Although the resolution waives all points of order against consideration of H.R. 2042, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendment in the nature of a substitute to H.R. 2042 made in order as original text, the committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments to H.R. 2042 printed in this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Section 3 of the resolution includes a waiver of all points of order against consideration of a July 4th adjournment resolution. While adjournment resolutions are ordinarily privileged, a point of order could be raised against the July 4th district work period adjournment resolution for failure to comply with sections 309 and 310(f) of the Budget Act. Section 309 prohibits the House from adjourning for more than three days in July unless the House has completed action on all appropriations bills. Since the House has not yet completed all action on appropriations bills, this provision is necessary. Section 310(f) prohibits the House from adjourning for more than three days in July unless the House has completed action on the reconciliation legislation for the first fiscal year of the concurrent resolution on the Budget. Since the House has not yet completed all action on reconciliation legislation, this provision is necessary.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee Record Vote No. 82

Motion by Ms. Slaughter to report open rules for H.R. 2822 and H.R. 2042. Defeated: 4-9

Majority Members	Vote	Minority Members	Vote
Ms. Foxx.....	Nay	Ms. Slaughter.....	Yea
Mr. Cole.....	Nay	Mr. McGovern.....	Yea
Mr. Woodall.....	Nay	Mr. Hastings of Florida.....	Yea
Mr. Burgess.....	Nay	Mr. Polis.....	Yea
Mr. Stivers.....	Nay		
Mr. Collins.....	Nay		
Mr. Byrne.....	Nay		
Mr. Newhouse.....	Nay		
Mr. Sessions, Chairman.....	Nay		

Rules Committee Record Vote No. 83

Motion by Mr. Cole to report the rule. Adopted: 9-4

Majority Members	Vote	Minority Members	Vote
Ms. Foxx.....	Yea	Ms. Slaughter.....	Nay
Mr. Cole.....	Yea	Mr. McGovern.....	Nay
Mr. Woodall.....	Yea	Mr. Hastings of Florida.....	Nay
Mr. Burgess.....	Yea	Mr. Polis.....	Nay
Mr. Stivers.....	Yea		
Mr. Collins.....	Yea		
Mr. Byrne.....	Yea		
Mr. Newhouse.....	Yea		
Mr. Sessions, Chairman.....	Yea		

SUMMARY OF THE AMENDMENTS TO H.R. 2042 MADE IN ORDER

1. Pallone (NJ): Requires a governor wishing to opt out of the Clean Power Plan, to include a certification that electric generating units are sources of carbon pollution that contribute to human-induced climate change; and the state or federal plan to reduce carbon emissions from electric generating units would promote national security, economic growth and public health by addressing human induced climate change through the increased use of clean energy, energy efficiency and reductions in carbon pollution. (10 minutes)
2. Rush (IL): Requires a governor's determination and shall also include certification that the inapplicability of a state or federal plan will not have a significant adverse effect on costs associated with a State's plan to respond to extreme weather events associated with human-caused climate change, including flooding, intense storms, frequent wildfires, and increased drought. (10 minutes)
3. Huizenga (MI), Kildee (MI), Collins (GA): Offers a sense of Congress that the EPA should specifically address how the megawatt hours discharged from pumped hydroelectric storage will be incorporated in State and Federal implementation plans created by final rules made under section (2)(b) of this bill. (10 minutes)
4. McNerney (CA): Requires a state public utility commission/public service commission and the Electric Reliability Organization to conduct an analysis of any state or federal plan. (10 minutes)
5. Newhouse (WA), Herrera Beutler (WA): Directs EPA to recognize hydropower as a renewable energy source when issuing, implementing, and enforcing any final rule to address carbon dioxide emissions from existing sources under section 111(d) of the Clean Air Act. (10 minutes)

TEXT OF AMENDMENTS TO H.R. 2042 MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
PALLONE JR. OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES

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**AMENDMENT TO
RULES COMMITTEE PRINT 114-20
(RATEPAYER PROTECTION ACT OF 2015)
OFFERED BY MR. PALLONE OF NEW JERSEY**

Page 4, after line 15, insert the following (and re-designate subsection (b) as subsection (c)):

1 (b) ADDITIONAL CERTIFICATION REGARDING COSTS
2 OF RESPONDING TO HUMAN-CAUSED CLIMATE
3 CHANGE.—For a Governor’s determination to have the ef-
4 fect described in subsection (a), such determination shall
5 include a certification that—

6 (1) electricity generating units are sources of
7 carbon pollution that contribute to human-induced
8 climate change; and

9 (2) the State or Federal plan to reduce carbon
10 emissions from electric utility generating units would
11 promote national security, economic growth, and
12 public health by addressing human-induced climate
13 change through the increased use of clean energy,
14 energy efficiency, and reductions in carbon pollution.



2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE RUSH OF ILLINOIS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Rev. #1

HR

**AMENDMENT TO
RULES COMMITTEE PRINT 114-20
(RATEPAYER PROTECTION ACT OF 2015)
OFFERED BY MR. RUSH OF ILLINOIS**

Page 4, after line 15, insert the following (and re-designate subsection (b) as subsection (c)):

1 (b) ADDITIONAL CERTIFICATION REGARDING COSTS
2 OF RESPONDING TO HUMAN-CAUSED CLIMATE
3 CHANGE.—For a Governor’s determination to have the ef-
4 fect described in subsection (a), such determination shall
5 include a certification that the inapplicability of a State
6 or Federal plan described in such subsection will not have
7 a significant adverse effect on costs associated with a
8 State’s plan to respond to extreme weather events associ-
9 ated with human-caused climate change, taking into ac-
10 count any costs necessary to—

11 (1) adapt or respond to increased sea level rise
12 or flooding;

13 (2) prepare for or respond to more frequent
14 and intense storms;

15 (3) fight or otherwise respond to more frequent
16 and intense wildfires; and

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(4) adapt or respond to increased drought.



3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
HUIZENGA OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR
10 MINUTES

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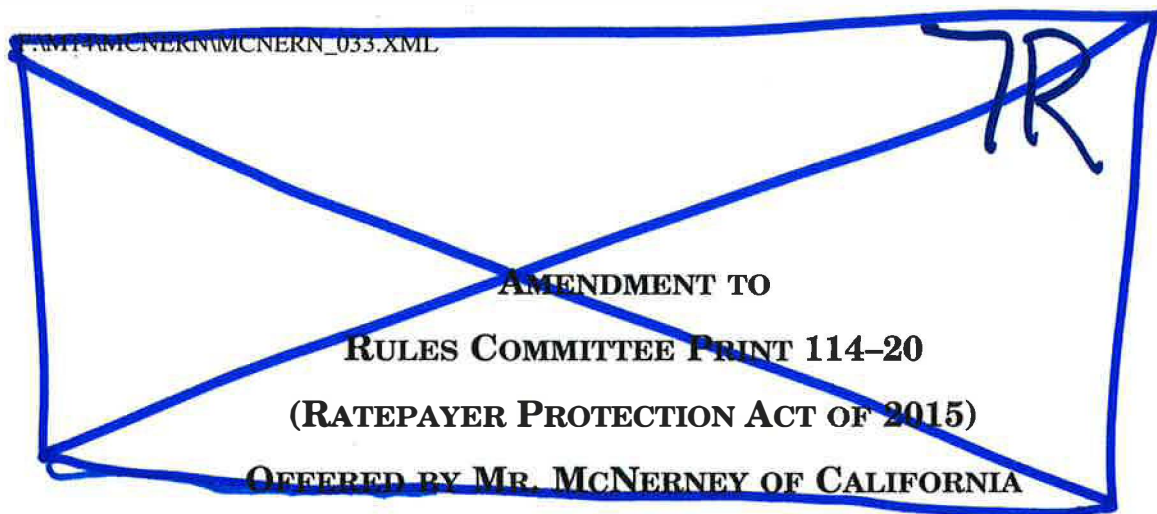
**AMENDMENT TO
RULES COMMITTEE PRINT 114-20
[RATEPAYER PROTECTION ACT OF 2015]
OFFERED BY MR. HUIZENGA OF MICHIGAN AND
MR. KILDEE OF MICHIGAN**

At the end of section 2 of the bill, add the following:

1 (d) SENSE OF CONGRESS.—The Congress encourages
2 the Administrator of the Environmental Protection Agen-
3 cy, in promulgating, implementing, or enforcing any final
4 rule described in subsection (b), to specifically address
5 how the megawatt hours discharged from a pumped hy-
6 droelectric storage system will be incorporated into State
7 and Federal implementation plans adopted pursuant to
8 any such final rule.



4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCNERNEY OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES



Strike section 2.

Redesignate section 3 as section 2 and amend such section (as so redesignated) to read as follows:

1 SEC. 2. RATEPAYER PROTECTION.

2 (a) EFFECTS OF PLANS.—In developing a State or
3 Federal plan pursuant to any final rule described in sub-
4 section (c), a State or the Administrator shall—

5 (1) consult with the State’s public utility com-
6 mission or public service commission, and the Elec-
7 tric Reliability Organization; and

8 (2) to the extent available, consider any inde-
9 pendent reliability analysis prepared by such entities
10 during development of such plan.

11 (b) INDEPENDENT RELIABILITY ANALYSIS.—In pre-
12 paring an independent reliability analysis for purposes of
13 subsection (a), a State’s public utility commission or pub-
14 lic service commission, and the Electric Reliability Organi-

1 zation, shall evaluate the anticipated effects of implemen-
2 tation and enforcement of the final rule on—

3 (1) regional electric reliability and resource ade-
4 quacy;

5 (2) operation of wholesale electricity markets
6 within the region involved;

7 (3) existing and planned transmission and dis-
8 tribution infrastructure; and

9 (4) projected electricity demands.

10 (c) FINAL RULES DESCRIBED.—A final rule de-
11 scribed in this subsection is any final rule to address car-
12 bon dioxide emissions from existing sources that are fossil
13 fuel-fired electric utility generating units under section
14 111(d) of the Clean Air Act (42 U.S.C. 7411(d)), includ-
15 ing any final rule that succeeds—

16 (1) the proposed rule entitled “Carbon Pollu-
17 tion Emission Guidelines for Existing Stationary
18 Sources: Electric Utility Generating Units” pub-
19 lished at 79 Fed. Reg. 34830 (June 18, 2014); or

20 (2) the supplemental proposed rule entitled
21 “Carbon Pollution Emission Guidelines for Existing
22 Stationary Sources: EDUs in Indian Country and
23 U.S. Territories; Multi-Jurisdictional Partnerships”
24 published at 79 Fed. Reg. 65482 (November 4,
25 2014).

1 (d) DEFINITIONS.—In this section, the term “Elec-
2 tric Reliability Organization” has the meaning given to
3 such term in section 215(a) of the Federal Power Act (16
4 U.S.C. 824o(a)).



5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
NEWHOUSE OF WASHINGTON OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES

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**AMENDMENT TO
RULES COMMITTEE PRINT 114-20
[RATEPAYER PROTECTION ACT OF 2015]
OFFERED BY MR. NEWHOUSE OF WASHINGTON**

At the end of the bill, add the following new section:

**1 SEC. 4. TREATMENT OF HYDROPOWER AS RENEWABLE EN-
2 ERGY.**

3 In issuing, implementing, and enforcing any final rule
4 described in section 2(b), the Administrator of the Envi-
5 ronmental Protection Agency shall treat hydropower as re-
6 newable energy.

